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~~CONFIDENTIAL~~

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

UNITED STATES OF AMERICA,)	No. CR-11-00872 RMW
)	
Plaintiff,)	STIPULATION AND []
)	ORDER VACATING BRIEFING
vs.)	SCHEDULE AND MOTION HEARING
)	DATE
JUAN CORTEZ-PADILLA,)	
)	
Defendant.)	
)	

STIPULATION

Defendant Juan Cortez-Padilla, by and through Assistant Federal Public Defender Varell L. Fuller, and the government, by and through Special Assistant United States Attorney Carolyne Sanin, hereby stipulate that, subject to the Court's approval, the motion hearing date set for Monday, November 19, 2012, and accompanying briefing schedule be vacated. The reason for this request is that the parties have reached a resolution and Mr. Cortez-Padilla intends to return to court to enter a change of plea on November 19, 2012, the date now set for the hearing on the defendant's motion. In addition, the defense respectfully requests that its motion, Defendant's Motion to Dismiss Indictment Due to Unlawful Deportation and to Suppress Statements, be

1 dismissed without prejudice, and that this matter be set for November 19, 2012, for change of
2 plea and disposition.

3 IT IS SO STIPULATED.

4
5 Dated: October 22, 2012

6 /s/
VARELL L. FULLER
Assistant Federal Public Defender

7
8 Dated: October 22, 2012

9 /s/
CAROLYNE A. SANIN
Special Assistant United States Attorney

10
11 **[] ORDER** _____

12 GOOD CAUSE APPEARING, upon stipulation of the parties, IT IS HEREBY
13 ORDERED that the motion hearing set for Monday, November 5, 2012, is VACATED. IT IS
14 FURTHER ORDERED that the briefing schedule is VACATED and that the defendant's
15 Defendant's Motion to Dismiss Indictment Due to Unlawful Deportation and to Suppress
16 Statements is DISMISSED WITHOUT PREJUDICE, and this matter IS HEREBY set on
17 November 19, 2012, for change of plea and disposition.

18 IT IS SO ORDERED.

19 Dated: ~~FEB 14~~ FG

20 
21 The Honorable Ronald M. Whyte
United States District Court Judge